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10/569,317	02/22/2006	Jiecai Gan	NFE105	7888
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GLOBAL IP SERVICES 7285 W. Eagle Court Winton, CA 95388				
EXAMINER				
YOUNKINS, KAREN L				
ART UNIT		PAPER NUMBER		
3751				
MAIL DATE		DELIVERY MODE		
03/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/569,317

Applicant(s)

GAN, JIECAI

Examiner

KAREN YOUNKINS

Art Unit

3751

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "Through Holes" of claims 12, 14, 16, 18, 20, 22, 24, 26, and 28 must be shown or the feature(s) canceled from the claim(s). The drawings appear to teach a single 'through hole', designated at 45, rather than multiple 'through holes'. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it includes legal phraseology such as "comprises," and it is not in proper idiomatic English. Correction is required. See MPEP § 608.01(b).
4. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.
5. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: The term 'conduct' is used throughout the specification as a non-art known term. The term 'adjustable' is used to describe the operation of the air valve 44, however the air valve 44 is only disclosed as being

rotatable about its pivot (page 5). The term 'adjustable' is an inappropriate term to describe this operation.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 12, 14, 16, 18, 20, 22, 24, 26, and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed limitation of 'through holes' was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. On page 2 of the specification, applicant discloses the through holes are "to suck also air in toilets so that to realize vent of air in the toilet." This description does not enable one skilled in the art to make the invention, as the through holes are disposed at the bottom of the inner chamber, not in the toilet. Further, on page 5 under the title 'Embodiment 2,' the applicant states "the chamber to the room 412 has at its bottom a through hole 45 toward to the toilet". This statement is not enabling, the limitation 'toward the toilet' could mean a number of different configurations, each with their own resulting structure.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 11-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. One such idiomatic error is the improper capitalization of terms such as "Inner Chamber", "Through Holes", "Water Closet", and "Toilet" repeatedly throughout the claims.

11. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "conduct" in claims 11-28 is used by the claim to mean a connection means, or a conduit, while the accepted meaning is "the manner in which a person behaves." The term is indefinite because the specification does not clearly redefine the term. Further, the term "adjustable" used to describe the air valve in claims 11-28 is used to mean rotatable about an axis, while the accepted meaning is "capable of being regulated." The air valve as disclosed is only rotatable about an axis, it is not 'adjustable' per se. Therefore, 'adjustable' is an inappropriate term for the operation of the air valve.

12. Further, it is noted that several claim limitations are presented with insufficient antecedent basis in the claims. For example, Claim 13 recites the limitation "Toilet" in Page 3 and Claim 19 recites the limitation "the Rear Exhaust Hole" in page 4. These are exemplary examples of claim limitations to be fixed that are currently presented with insufficient antecedent basis in the claims.

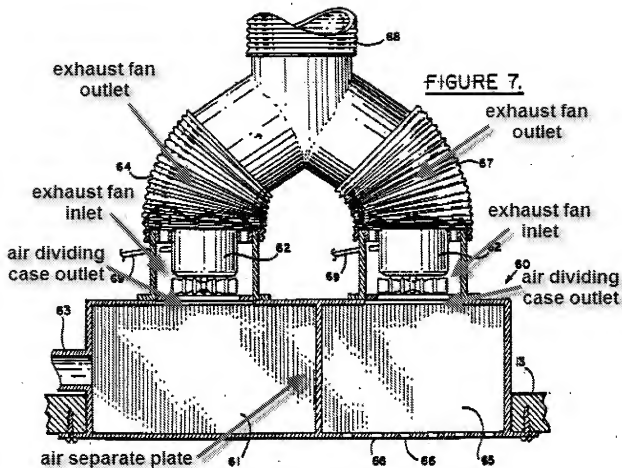
13. As best understood and for the purposes of examination, the examiner assumes that the 'through holes' connect the air dividing case to the air within the room containing the toilet and/or water closet(s). The examiner assumes that the air valve is only 'adjustable' in so much as it rotates about an axis. The remainder of the claims are interpreted as best understood.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 11-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,010,600 to Prisco in view of U.S. Patent No. 5,029,316 to Fernald, Sr. (Fernald).



16. In reference to claims 11-14, Prisco discloses, with attention drawn particularly the embodiment disclosed in figure 7, an exhausting apparatus with an air dividing case (surrounding compartments 61 and 65) for a water closet (10) comprising an air dividing case having an inner chamber (61/65) with an outlet (see examiner annotated drawing above) and an inlet (via 63) connected with a water closet (see column 4 lines 12-14). The exhausting apparatus also includes an exhaust fan (62) with an outlet and inlet connected with the outlet of said inner chamber (see examiner annotated drawing above). The outlet of the exhaust fan is connected to the outdoors through a conduit

(67), see column 4 lines 16-22. Further, Prisco discloses the inner chamber having through holes via the screened openings 66. The screen covering the openings is 'moveable' on and off of the openings. The inner chamber has an 'air separate plate' inside of it, see examiner annotated drawing above. The 'air separate plate' divides the inner chamber into two chambers (61 and 65) such that one chamber (61) leads to the water closet (10). Prisco also discloses the use of the 'air separate plate' dividing the inner chamber into dual compartments may be required in rooms having a plurality of toilets, see column 4 lines 22-24.

Prisco fails to show an 'adjustable' air valve located between the inner chamber inlet and the inner chamber. Prisco also fails to disclose the second chamber (65) leading to another water closet/toilet.

Fernald teaches an air valve (36) which is 'moveable' as the outlet damper 72 pivots about the point 74, see column 4 lines 17-24. The air valve (36) is located between the inlet (designated by arrow pointing towards 70 in Figure 1) and an inner chamber (48). Fernald teaches the use of such an air valve results in prevention of air entering the inner chamber when it is not in operation, see column 2 lines 5-10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the 'adjustable' air valve located between the inner chamber inlet and the inner chamber as taught by Fernald in the exhausting apparatus of Prisco to prevent entry of air into the inner chamber when not operating. It would have been further obvious to have connected the second chamber 65 to another

water closet/toilet, as Prisco discloses the chamber as claimed may be required in rooms having a plurality of toilets.

17. In reference to claims 15-18, as discussed previously in pp-16 above, further Prisco discloses the use of the 'air separate plate' dividing the inner chamber into dual compartments may be required in rooms having a plurality of toilets, see column 4 lines 22-24. Therefore, it would have been obvious to have included two or three inlets on the inner chamber to connect to two or three toilets in the room. It would have also been obvious to have located the inlets on opposite sides of the air dividing case as claimed to utilize the dual chamber aspect of the exhausting apparatus.

18. In reference to claims 19-20, 23-24, and 27-28, as discussed previously in pp-16 and pp-17 above, further Prisco discloses the inlet of the inner chamber connected (via conduit 28/30/31) to the rear exhaust hole (20) of the water closet (10). Note, the exhaust leaves the water closet through the rear, see figure 1.

19. In reference to claims 21-22 and 25-26, as previously discussed in pp-16 and pp-17 above, further Prisco fails to disclose the inlet of the inner chamber being connected via a conduit to an overflow tube in the water tank of the flush closet. Instead, Prisco teaches the inlet of the inner chamber connected to the rear exhaust hole of the water closet.

With attention drawn to the embodiment disclosed in figures 6-8 of Fernald, Fernald teaches exhaust air being drawn out of an overflow tube (32) in the water tank (20) of a water closet via a conduit (136) and into the inlet of an inner chamber (148).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have further modified the exhausting apparatus of Prisco as discussed in pp-16 and 17 above by connecting the inlet of the inner chamber to an overflow tube in the water tank of the flush closet via a conduit in order to avoid the unsightly connection of a conduit with the toilet's rear exhaust hole and inner chamber inlet.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No 2,724,840 to Scott et al. disclose an exhausting apparatus drawing air from the rear exhaust hole of a toilet as disclosed. U.S. Patent No. 5,125,119 to Munoz discloses an exhausting apparatus drawing air from an overflow tube in the toilet's water tank as disclosed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN YOUNKINS whose telephone number is (571)270-7417. The examiner can normally be reached on Monday through Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. Y./
Examiner, Art Unit 3751

/Gregory L. Huson/
Supervisory Patent Examiner, Art Unit 3751